

**Amendment and Response Under 37 C.F.R. 1.116**

Applicant: Roland Harend et al.

Serial No.: 10/848,927

Filed: May 19, 2004

Docket No.: 1435.101.101/13233US

Title: METHOD AND DEVICE FOR CREATING DATA PACKETS IN A PACKET-BASED DATA-TRANSMISSION NETWORK

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**REMARKS**

The following remarks are made in response to the Final Office Action mailed September 22, 2008. Claims 1-20 were rejected. With this Response, no claims have been amended. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1, 2, 4-7, 10-17, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over the Wiedeman et al. U.S. Patent Application Publication No. 2002/0031103 in view of the Schwab U.S. Patent No. 4,543,627.

The Examiner rejected claims 3 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Wiedeman et al. U.S. Patent Application Publication No. 2002/0031103 and the Schwab U.S. Patent No. 4,543,627, and further in view of the Gemmell U.S. Patent No. 6,678,855.

The Examiner rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Wiedeman et al. U.S. Patent Application Publication No. 2002/0031103 and the Schwab U.S. Patent No. 4,543,627, and further in view of the Wilford et al. U.S. Patent No. 6,687,247.

Independent claims 1 and 16 include limitations related to after setting up a connection, a main processor creates the packet data only for a first data packet, and stores the packet data for this first data packet as memory packet data. The other data packets (i.e., subsequent data packets) are no longer created by the main processor. Instead, an auxiliary processor employs the stored memory packet data to create the packet data for the other data packets at least partly from the memory packet data of the first data packet.

The Examiner admits that the Wiedeman et al. publication does not teach the above recited limitations of independent claims 1 and 16 related to the interaction of a main processor and an auxiliary processor. The Wiedeman et al. publication simply does not teach any combination of a main processor with an auxiliary processor. As such, the Wiedeman et al.

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publication does not teach or suggested after setting up the connection, a first data packet of this connection is created by a main processor and stored as memory packet data and the packet data of the other (i.e., subsequent) data packets of the same connection are created by an auxiliary processor at least partly from the same memory packet data that had been previously stored for this connection as defined in independent claims 1 and 16.

The Schwab patent does not cure the deficiencies of the Wiedeman et al. publication. Rather, the Schwab patent only discloses an internal communication arrangement for a multiprocessor system which permits one main processor 300 to communicate with plural auxiliary processors 500-507 (see e.g., Figure 1). The communication with each of these auxiliary processors is handled by a separate processor interface unit 100-107. The Schwab patent focuses on the problem of transmitting information among the individual processors (see e.g., column 1, lines 18-22 and column 1, line 67-column 2, line 2). Thus, the disclosure of the Schwab patent is restricted to an internal communication arrangement which is suitable for an efficient communication between the individual processors of a multiprocessor system.

The Schwab patent does not teach or suggest any data transmission network. The Schwab patent does not teach or suggest the transmission of data packets in a packet based data transmission network. As such, one skilled in the art would not refer to the disclosure of the Schwab patent in combination with the Wiedeman et al. publication to produce the features of independent claims 1 and 16. Moreover, even if a teaching of the Schwab patent were applied to the Wiedeman et al. publication, there is no teaching or suggestion in either of the references to employ a main processor and an auxiliary processor for the same purpose as defined in independent claims 1 and 16. Specifically, the Wiedeman et al. publication and the Schwab patent, alone or in combination, do not teach or suggest employing a main processor only for the generation of a first data packet of a data connection once this connection has been set up, while the auxiliary processor is employed for the generation of the packet data of all the other data packets of the same connection such that the packet data of these other data packets are at least partly created from the memory packet data that had been previously stored by the main processor for the very same connection.

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Furthormore, the above recited features of independent claims 1 and 16 which are not taught or suggested by the Wiedeman et al. publication and the Schwab patent, alone or in combination, permit embodiments of the invention where the main processor is only responsible for creating the packet data of the first data packet. In this way, the main processor can be employed for other tasks after the packet data of the first data packet have been created. The auxiliary processor is responsible for creating the packet data of the other subsequent data packets based on the packet data of the first data packet.

In view of the above, the Wiedeman et al. publication and the Schwab patent do not teach or suggest all the limitations of independent claims 1 and 16. Furthermore, it would not be obvious to combine these references.

Dependent claims 2-15 further define patentably distinct independent claim 1. Dependent claims 17-20 further define patentably distinct independent claim 16. Therefore, these dependent claims are also believed to be allowable.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections to the claims, and requests allowance of claims 1-20.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-20 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-20 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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Date: November 24, 2008

PGB:cmj:mlm

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